

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Return Date: 2/ 4 /20
10:00 A.M.

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In re:

BRANDON D. GIOFFRE
Debtor

Chapter 11
Case No. 19-22038-rdd

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NOTICE OF HEARING ON DEBTOR'S COUNSEL'S
APPLICATION TO WITHDRAW AS DEBTOR'S COUNSEL

To the Debtor, all creditors and other parties in interest:

PLEASE TAKE NOTICE, that a hearing will be held before the HONORABLE ROBERT D. DRAIN, at his courtroom at 300 Quarropas Street, White Plains, New York 10601 on the 4th day of February, 2020, at 10:00 A.M., upon an Application filed by NATHAN HOROWITZ, ESQ. to withdraw as counsel to the Debtor.

The complete application, and all exhibits, are on file with Clerk of the Bankruptcy Court at 300 Quarropas Street, White Plains, New York, and may be examined there during regular business hours, or through the PACER system.

Any objections to the Application must be filed with the Clerk of the Court, at 300 Quarropas Street, White Plains, New York 10601, and served so that it is **received** by Nathan Horowitz, Esq., One Barker Avenue, 3d Floor, White Plains, New York 10601, such service and filing to be by on or before 5:00 P.M. on January 25, 2020.

This Notice is provided pursuant to Bankruptcy Rule 2002 in order to provide all creditors and parties in interest an opportunity to object to the Application. Should no objection be timely filed, an Order may be entered without a hearing.

Dated: White Plains, N.Y.
December 1, 2019

/s/ Nathan Horowitz
Nathan Horowitz, Esq.
Attorney for Debtor
One Barker Ave, 3d Floor
White Plains, N.Y. 10601
(914) 684-0551

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APPLICATION TO WITHDRAW AS DEBTOR'S COUNSEL

Nathan Horowitz, as and for his Application to withdraw as Debtor's counsel, respectfully states as follows:

1. The Chapter 11 herein was filed on January 8, 2019. The Debtor has remained in control of its assets, as a Debtor in Possession. No Trustee was appointed.
2. The Court has jurisdiction over this matter pursuant to 11 U.S.C.105 and 327, and applicable Bankruptcy Rules.
3. At the time of the filing of the proceeding, there was a clear goal in mind. That with his new employment, Debtor could generate sufficient income to propose a Plan to pay the mortgage arrears on his home and retain the home for him and his family.
4. Reaching the goal of preserving the home would also entail dealing with two (2) large judgments and judicial liens on the home.
5. At the commencement of the case, Debtor was very interested in the proceedings, and worked with counsel on the monthly operating statements, opening new bank accounts, and fulfilling his obligations.
6. Several months into the case, the Debtor indicated that his new employment would result in a relocation to the Western half of the United States. At that point, discussions were had regarding the house and a real estate broker was retained to list the house for sale.
7. At about the same time, negotiations were engaged with counsel for one of the substantial judgment creditors. By July 2019, a tentative settlement was reached and creditor's counsel circulated a Stipulation. After further negotiations, only one (1) issue remains.
8. Unfortunately, and since about the same time, the Debtor has failed to stay in touch with Counsel on a regular basis. It has taken several emails to get a response, and although Debtor states he will do what is requested, he has failed to keep up with the operating statements, and has failed to engage with counsel to close up the tentative settlement or agree to take other

actions that have been recommended. When we have spoken, Debtor has indicated he will decide and get back to me. But there is no followup response.

9. With this failure of communication, counsel cannot adequately represent Debtor and does not want to expending energy and time, with no apparent goal in mind.

WHEREFORE, counsel respectfully requests to be relieved as Counsel to Debtor.

Dated: White Plains, NY 10601

December 1, 2019

/S/ Nathan Horowitz
NATHAN HOROWITZ